

Message Text

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63

ACTION NEA-10

INFO OCT-01 AF-06 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 IO-11 SAM-01 /087 W
----- 074614

R 101611Z MAR 76

FM AMEMBASSY RABAT

TO SECSTATE WASHDC 7978

INFO AMEMBASSY ALGIERS

AMEMBASSY AMMAN

AMEMBASSY CAIRO

AMCONSUL CASABLANCA

AMEMBASSY DAKAR

AMEMBASSY MADRID

AMEMBASSY NOUAKCHOTT

AMEMBASSY PARIS

AMCONSUL TANGIER

AMEMBASSY TRIPOLI

AMEMBASSY TUNIS

USMISSION USUN

USCINCEUR VAIHINGEN GER

CINCUSNAVEUR LONDON

FOSIF ROTA

COMSIXTHFLT

C O N F I D E N T I A L RABAT 1371

USCINCEUR AND CINCUSNAVEUR ALSO FOR POLADS

E.O. 11652: GDS

TAGS: PFOR PBOR MO SP SS AG MR

SUBJECT: MFA OFFICIAL EXPLAINS GOM LEGAL POSITION ON SAHARA
SOVEREIGNTY

1. DURING FEB 9 CALL BY EMBOFF ON LOS MATTERS (REPORTED SEPTTEL),
MFA DIRECTOR OF LEGAL DIVISION, MUSTAPHA EL GHARBI, GAVE HIS
VERSION OF GOM LEGAL POSITION ON SAHARAN SOVEREIGNTY.

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2. GOM CONSIDERED PART A OF LAST DECEMBER'S UNGA SAHARA RESOLUTION AS COMPLETELY OVERTAKEN BY EVENTS, AND THEREFORE VOID, GHARBI INDICATED. PART A HAD CALLED ON ADMINISTERING POWER (SPAIN) TO PERFORM CERTAIN ACTIONS THAT IT COULD NO LONGER ACCOMPLISH, SPAIN HAVING NOW DECLARED ITS ADMINISTRATIVE DUTIES TERMINATED.

3. AS FOR PART B OF RESOLUTION, UN -- AND PARTICULARLY SECYGEN -- HAD NOT ACTED RESPONSIBLY, GHARBI ASSERTED. UN REP RYDBECK HAD GONE TO EL AYOUN ON WHAT SWEDISH ENVOY HAD INSISTED ON CALLING "EXPLORATORY MISSION." IMPLYING THAT TYDBECK COULD HAVE FULFILLED RESOLUTION'S REQUIREMENT FOR UN /SUPERVISION" OF CONSULTATIONS WITH SAHARAN POPULATION, GHARBI COMPLAINED THAT RYDBECK HAD NOT ONCE ASKED TO SEE DOCUMENTATION OR TO INVESTIGATE OTHER DETAILS CONCERNING LEGITIMACY OF JEMAA.

4. GHARBI CLAIMED THAT JEMAA WHICH MET FEB 26 CONSISTED OF "57 OR 60" MEMBERS. OF ORIGINAL TOTAL OF 102, 10 MEMBERS' TERMS HAD EXPIRED. OF THE REMAINING, HE SAID "ABOUT 20" WERE IN ALGERIA, REPEATING GOM CONTENTION THAT THEY WERE BEING HELD AGAINST THEIR WILLS. THUS, HE ARGUED, JEMAA VOTE HAD BEEN LEGAL AND CORRECT.

5. AS FOR POSSIBILITY OF SAHARA REFERENDUM, GHARBI ASKED RHETORICALLY HOW THIS COULD BE HELD WHEN SO MANY REFUGEES WERE BEING DETAINED IN ALGERIA. THEIR SPANISH IDENTITY CARDS HAD BEEN TAKEN AWAY AND REPLACED WITH ALGERIAN CARDS, AND THEIR NUMBERS HAD BEEN INCREASED BY ALGERIAN INJECTION OF NON-SAHARANS.

6. IN ANY CASE, GHARBI CONCLUDED, DECLARATION OF SAHARAN DEMOCRATIC ARAB REPUBLIC (SDAR) HAD CHANGED LEGAL PICTURE ENTIRELY. POLISARIO HAD BECOME A GROUP OF "SECESSIONISTS" -- RATHER, "WOULD-BE SECESSIONISTS" FOR THEY CONTROLLED NO TERRITORY -- AND THEY WOULD BE DEALT WITH ACCORDINGLY.

7. COMMENT. ALTHOUGH MUCH OF FOREGOING REPRESENTS LONGSTANDING GOM POSITION, FOCUS ON RYDBECK'S ALLEGED FAILURE TO DO HIS JOB AND "SECESSIONIST" LABEL FOR POLISARIO APPEAR TO BE NEWLY EVOLVING GOM ARGUMENTS. THERE REMAINS AN ELEMENT OF DEFENSIVENESS IN MOROCCAN EXPLANATIONS, AND MOROCCAN OFFICIALS SEEM TO BE CONFIDENTIAL

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INCREASINGLY AWARE OF PROBLEMS OTHERS ARE HAVING IN ACCEPTING FINALITY OF MOROCCAN/MAURITANIAN SOVEREIGNTY OVER SAHARA. NEW AND INNOVATIVE IDEAS AS TO HOW TO RESOLVE THIS DILEMMA ARE LACKING AMONG OUR MOROCCAN INTERLOCUTORS, HOWEVER, AND GOM CAN PROBABLY BE EXPECTED TO PURSUE PRESENT UNCOMPROMISING PUBLIC AND PRIVATE APPROACH INDEFINITELY.

8. LEAVING ASIDE FOR MOMENT POSSIBILITY OF MAJOR MILITARY

DEVELOPMENTS, LEGAL STATUS OF SAHARA SEEMS DESTINED TO BECOME A
RECURRING ITEM ON AGENDAS OF INTERNATIONAL MEETINGS. RESPONSE
OF OTHER STATES (INCLUDING THE U.S.) TO LEGALISTIC ISSUES POSED
BY CLAIMS TO SOVEREIGNTY IN SAHARA CAN BE EXPECTED TO
BE WATCHED CLOSELY BY THE CONTENDING PARTIES. KASHMIR, MOVE OVER*
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